

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.31623 of 1998

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Dated: March 21, 2007
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Between:

Ch. Vara Prasad Rao, S/o. Srinivasa Rao, aged 32 years,
Occ: Agriculture, R/o. Jangapalli village, Bejjanki
Mandal, Karimnagar District.

... Petitioner

And

The Executive Engineer, Panchayat Raj, Siddipet,
Karimnagar District, and others.

... Respondents

Order:

Petitioner has filed this Writ Petition seeking Mandamus to direct the respondents neither to dispossess him from his agricultural land in Sy.No.15, situated at Jangapalli village, Bejjanki Mandal, Karimnagar District, nor to lay a pipeline therein.

2. Petitioner claims to be the owner and possessor of agricultural land to an extent of Ac.8.15 guntas in Sy.No.15, in the

aforesaid village and Mandal. It is his case that the pahani prepared for the year 1997-98 shows that he is the pattadar of the land in question. His grievance is that respondents, without taking his permission and without issuing any notice to him, started excavation work in the land in question to lay a pipeline under Rural Water Supply Scheme. At that stage, he had come up with this Writ Petition.

3. This court, while admitting the Writ Petition, by order dated 13-11-1998, passed in WPMP No.38777 of 1998, granted stay of dispossession of the petitioner from the land in question, pending further orders. Though the Writ Petition is of the year 1998, no counter affidavit is filed and there is also no representation on behalf of the respondents.

4. Even assuming that the private patta land of individuals or a portion thereof is required for any public purpose, they cannot be deprived of their property without following due process of law. If the land of the petitioner is required for public purpose, either his consent has to be taken or steps have to be taken as per the provisions of the Land Acquisition Act.

5. As much as it is the case of the petitioner that the land in question is his private patta land and in the absence of any counter affidavit controverting the allegations of the petitioner, I dispose of the Writ Petition directing the respondents not to deprive the petitioner of his land in Sy.No.15, situated at Jangapalli village, Bejjanki Mandal, Karimnagar District without following due process of law. It is made clear that if the land of the petitioner or

any part thereof is required for public purpose, it is open for the respondents to take steps for acquisition under the provisions of the Land Acquisition Act after issuing notice to him. No costs.

JUSTICE R. SUBHASH REDDY.

March 21, 2007

MRR